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EXAMINER

TANG, KAREN C

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/025,497	Applicant(s) LAUX ET AL.	
	Examiner Karen C. Tang	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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- This action is responsive to the amendment and remarks file on 02/01/006.
- Claims 1-45 are for further examination.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandow et al hereinafter Brandow (US 6,938,041) in view of Gu et al hereinafter Gu (US 6,892,230).

1. Referring to Claims 1, 18, 21, and 45, Brandow discloses a computer readable medium containing instructions that cause a data processing system to perform a method of providing in a client and server system, at least one client by a server with an instruction format in response to a content data request, the method comprising the step of:

providing at least one context data request properties of a content data request made by the client (index, retrieve file, refer to Col 7);

preparing the instruction data set having the specified instruction format and including a plurality of instruction element data sets each representing a specified instruction element of the specified instruction format (SQL statements, refer to Col 7 and Col 8);

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a tree data structure stored in an instruction format configuration file and including a plurality of instruction format nodes, each instruction format node indicating a specified combination of instruction elements including the specified instruction format and having associated with it's a node selection criterion, with said determined content data request properties and for selecting an instruction format node whose associated node selection condition matches said determined content data request properties (refer to Col 7, 8, 12, 14-18); and

preparing the instruction data set to be sent to the client by executing instruction element generating applications of the selected instruction format node (refer to Col 19, and 20 ).

Brandow does not expressly indicate the searching function.

Gu discloses the searching functions (refer to Col 16 to 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a searching function while seeking for particular files within the database file.

The suggestion/motivation for doing so would have been by searching the particular files, it would reduce the system error in case when the order of the files placed in the database become unorganized.

2. Referring to Claim 2, and 22, Brandow discloses analyzing and content data request to provide said at lest one client unit related properties (outer joints, refer to Col 7, 9 and 10) and content data related properties (refer to Col 14-19).

3. Referring to Claim 3, and 23, Brandow discloses

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providing for each client as said client unit related properties device properties about the client (refer to Col 19, 22 and 23);

providing as said content data related properties, resource properties about data content resources providing the content data (refer to Col 17, Lines 30-67 and Col 18);

providing as said client unit related properties, properties about the content data requesting unit used at the client (refer to Col 17, 18, and 19); and

providing as said client unit related properties, properties about commands issued at the client (refer to 19, 20, 21 and 24).

4. Referring to Claim 4, and 24, Brandow discloses wherein a memory (102, refer to Col 5) is provided which includes a first property storage area (107, refer to Col 5) for said client unit related properties and a second storage area for said content data related properties (250, refer to Col 6).

5. Referring to Claims 5, 19, and 25, Brandow discloses comprising the step of analyzing a first content data request to obtain said client unit related properties and said content data related properties, wherein at an arrival of any subsequent content data request in a same session (sending one or more commands at the time to the server, refer to Col 7), one of said first storage area and said second storage area is accessed to provide said at least one of client unit related properties and said content data related properties (refer to Col 6 and 7, and Col 19, 22 and 23).

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6. Referring to Claims 6, 20 and 26, Brandow discloses wherein said node selection condition comprises at least one node selection requirement including at least one property name parameter and an expected property (Event that need scripts, Name, refer to Col 13, Lines 50-67, Col 14, Lines 1-30);

wherein said started at a root instruction format node (index, Col 7, and main program, which performs the searching functions to seek the proper methods, refer to Col 16);

wherein a property relating to said property name parameter of said node selection condition of a next instruction format node is requested to be provided for the current data request (one method that allows to provoke another, refer to Col 15 and 16); and

wherein when said provided property matches with said expected property, said instruction format selection branches to said next instruction format node (refer to Col 13, 14, 15, 16, and 17).

Brandow does not expressly indicate the searching function.

Gu discloses the searching functions (refer to Col 16 to 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a searching function while seeking for particular files within the database file.

The suggestion/motivation for doing so would have been by searching the particular files, it would reduce the system error in case when the order of the files placed in the database become unorganized.

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7. Referring to Claim 7, and 27, Brandow discloses wherein said node selection requirement further comprises a property type parameter indicating a type of property provided (parameters, refer to Col 16, Lines 30-67).

8. Referring to Claim 8, and 28, Brandow discloses wherein said node selection condition further comprises at least one operation condition for logically combining results of at least two requirements (refer to Col 7 and refer to Col 15 and 16).

9. Referring to Claim 9, and 29, Brandow discloses wherein said instruction format formed by instruction elements of a root instruction format node of said tree data structure is a default instruction format (main, refer to Col 16).

10. Referring to Claim 10, and 30, Brandow discloses wherein said default instruction format is an instruction format with an instruction template and a plurality of instruction element positions into which the instruction element generating applications insert instruction element data sets when they are executed (refer to Col 15-20).

11. Referring to Claim 11, and 31, Brandow discloses wherein said instruction format includes an instruction template and a plurality of instruction element positions into which said instruction element generating applications insert instruction element data sets when the area executed (refer to Col 17, 18, 19, 20, 21, and 22).

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12. Referring to Claim 12, and 32, Brandow discloses wherein said instruction element generating application includes a component name of a component to be executed (refer to Col 19).

13. Referring to Claim 13, and 33, Brandow discloses wherein said instruction element generating applications further include an argument name with a substitution name of a substitution component located at a different node (index, Col 7 and Class name, which can call on another class at different node, refer to Col 15, 16).

14. Referring to Claim 14, and 34, Brandow discloses wherein said instruction data set is a set of instruction data for displaying a screen with a particular screen layout format on the client, wherein said instruction template is a screen layout template and said instruction element positions are place holders into which said insert screen element data sets are inserted by said instruction element generating applications when said instruction element generating applications are executed (refer to Col 11, 12, and Col 13).

15. Referring to Claim 15, and 35, Brandow discloses wherein said instruction data set is a set of instruction data for controlling a device with a specified control command layout format on the client, wherein said instruction template is a command layout template and said instruction element positions are command holders into which said instruction element generating applications insert command data sets when said instruction element generating applications are executed (refer to Col 11 and Col 12).



16. Referring to Claims 16, and 36, Brandow discloses the usage of JAVA applications and as well as usage of HTML (refer to Col 1 and 2 and 3).

It is obvious for ordinary skill in the art to exchange XML file with HTML file since both of the files are mark up language.

17. Referring to Claim 40, Brandow disclosed wherein said tree data structure is generated once and independently for each session between the client and server (every statement are being converted to the tree data structure of each client-server session, refer to Col 7, Lines 30-50).

18. Referring to Claim 41, Brandow discloses wherein said tree data structure is generated dependent on at least one of client related properties and content data properties (the database is based on client's query associating with the content data properties in the database, refer to Col 7, Lines 1-30)

19. Referring to Claim 17, and 37, Brandow discloses wherein said instruction element generating applications is one of a JAVA servlet and a JAVA server pages program (refer to Col 3).

20. Referring to Claim 42, Brandow discloses one or more clients by a server in a client and server system, with an instruction data set in a specified instruction format in response to a content data request, comprising the steps of:

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preparing a tree data structure consisting of a plurality of instruction format nodes, each instruction format node indicating a particular combination of instruction elements including a specified instruction format and having associated with it a node selection criterion (Java software consists of different class and objects, that forms a tree structure, refer to Col 15 and 16); and

tree data structure with content data request properties relating to the content data request sent by the client and for selecting an instruction format node whose associated node selection condition matches said content data request properties (table name which matches with the query, refer to Col 7).

Brandow does not expressly indicate the searching function.

Gu discloses the searching functions (refer to Col 16 to 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a searching function while seeking for particular files within the database file.

The suggestion/motivation for doing so would have been by searching the particular files, it would reduce the system error in case when the order of the files placed in the database become unorganized.

21. Referring to Claim 43, Brandow discloses selecting from a number of instruction format templates a specified instruction format template dependent on at least one of client properties and resource properties, wherein said templates describes at what places in the instruction set specified instruction elements can be placed (client issue query to the server, server comprising database, the leaf-level node of index, once being selected a particular index, it function as an

instruction to describe to what places in the instruction element can be placed, refer to Col 7, Lines 1-30); and

inserting content data in the places indicated in said instruction template by at least one instruction element generating application (add constraint to the query, refer to Col 7, Lines 40-50);

wherein the selection step also including selecting said at least one instruction element generating application in accordance with one of client capabilities and resource capabilities, from more than one available instruction element generating application (query tree comprise numbers of instruction which being selected, and perform regarding with client's specification. Col 7, Lines 30-67).

22. Referring to Claims 38, and 44, Brandow discloses a data processing system in a client and server system, the server providing the client with an instruction data set in a specified instruction format in response to a content data request from the client, the system comprising: a server computer comprising:

a memory including a server program that provides one or more content data request properties of the content data request made by the client (102, Col 5), that prepares the instruction data set having the specified instruction format and including a plurality of instruction element data sets each representing a specified instruction element of the instruction format and generated by at least one instruction element generating application in an instruction format set up sequence, that includes an instruction format configuration file (file, refer to Col 18) containing a tree data structure including a plurality of instruction format nodes, each of the instruction format nodes

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indicating a particular combination of instruction elements having the specified instruction format and having associated with it a node selection criterion, said tree data structure with said determined content data request properties and selects an instruction format node whose associated node selection condition matches said determined content data request properties, and that prepares the instruction data set to be sent to client by executing the instruction element generating application of the selected instruction format node (refer to Col 5-8, and 13); and a processor that runs said server program (it is inherent that server comprises a processor); a client computer comprising:

a memory including a client program that provides a content data request to the server, and that received the instruction data set sent by the server (refer to Col 9, and 18); and

a processor that runs said client program (refer to Col 5); and

a network between said server computer and said client computer (refer to Col 6).

Brandow does not expressly indicate the searching function.

Gu discloses the searching functions (refer to Col 16 to 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a searching function while seeking for particular files within the database file.

The suggestion/motivation for doing so would have been by searching the particular files, it would reduce the system error in case when the order of the files placed in the database become unorganized.

### ***Response to Arguments***

Applicant's arguments filed 02/01/06 have been fully considered but they are not persuasive.

Applicants argued: “Brandow in view of Gu, fails to disclose or suggest applicant’s claimed tree data structure. Brandow discloses a method for querying a database using SQL statements. The SQL statements are parsed and converted into a query tree. The query tree is then normalized, compiled, and converted “into a set of instructions suitable for satisfying the query”. Unlike Applicant’s claimed invention, Brandow’s query tree is not stored in an instruction format configuration file. Furthermore, Brandow’s query tree does not include instruction format nodes that indicates a specified combination of instruction elements including a specified instruction format and having associated with it a node selection criterion.

Examiner respectfully traverse the rejection. Brandow disclosed that the “cluster” index, is used for the database server, which stores the data pages of the records themselves on the leaf-level nodes of the index (nodes that comprising data, the data specifies combination of instruction elements including a specified instruction format and associated with it’s a node selection criterion, refer to Col 7, Lines 25-30). The tree structures, which represents the components (combination of instruction elements, refer to Col 7, Lines 30-50), of the query in a format selected for the convenience of the system. Furthermore, the components in the query tree, are type of instruction format causing the server system to perform the way its being instructed (refer to Col 7, Lines 50-67).

The index may be constructed as a single disk files (refer to instruction format configuration file which contains a tree data structure, Col 7, Lines 15-20) that includes a data pages of the records themselves on the leave-level nodes of the index.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ZARNI MAUNG**

**SUPERVISORY PATENT EXAMINER**